

Re: Docket Number FAA-1998-4521

The following is a response to the proposed rule change referenced above:

INTENT

The intent of the proposed rule change is to reduce perceived risks inherent to Part 91 sightseeing operators have.

The FAA notes various data and tables supporting its view which indicate a risk differential between Part 91 and part 135 operators.

These risks would be mitigated if Part 91 operators were to conduct their business under Part 135 Air Carrier/ Commercial Operator Regulations.

EXAMINING THE FACTS

The FAA's decision to "lump" the RISK FACTOR for both helicopter and airplane part 91 operators is unfortunate and does a great deal of disservice to the thousands of operators with many thousands of safe and accident free hours. Mixing apples and oranges has never had the desired results.

Clearly the issue that needs to be addressed is in Part 91 helicopter operations which accident data indicates are limited to narrow geographical locations and are not industry wide.

The Risk Factor data supports the above observations. Part 91 airplane operators (Table III.1) have a distinct and a remarkable 13.2% positive Risk Differential advantage over Part 135 operators. This desirable fact is not lost on airplane insurance underwriters who reflect this risk advantage in their premiums which are on the order of magnitudes lower for Part 91. If the system for Part 91 airplane operators is not broken why then attempt to fix it with draconian approaches? Why amputate the leg when only a toe needs urgent attention?

The data furnished by the FAA pertaining to the impact on job / business losses appear to be sketchy, imprecise and at best lacking in factual details and scope. No supporting information is provided by either the Commerce and Labor Departments or from individual official state sources to define the economic consequences of the proposal on small businesses and individuals.

The proposed rule change ignores a remarkable record Part 91 airplane operators have accumulated. This record is fundamentally rooted in the good and sound judgment and the superior airmanship of the individual pilots exercised day in and day out. Rewarding

some of these business people by driving them out of business and or financially “under” can not be reasonably justified.

The number of jobs lost is not limited to the owners and or pilots. The job loss/creation rule of thumb is that each tourism related job lost/created impacts over three others in a community. This is easy to note in businesses requiring maintenance, fueling and other support activities as well as dining and lodging. Obviously the net economic impact is not limited to about 1000 jobs as suggested but to many thousands of households and individuals. The proposed rule brushes by and all but sidesteps the issue that some owner operators will not be able to comply with part 135 regulations even if they desired to do so due to the type of airplanes used. These airplanes, like Boeing Stearman, for example, safely operating and delighting sightseers for decades can not be made to comply for any price. Federal and State transportation regulations have sensible safety requirement exemptions for vintage road vehicles. Unfortunately the proposed regulation did not address or reason why such exemptions were entirely ignored in this case.

The most drastic and regrettable economic impact to owners of aircraft that can not be made to comply with Part 135 certification under any circumstances, or afford the many fold increase in insurance premiums and costs if they could be certified is not limited to job and income loss. The proposed action will dramatically impact the cost of investment in what would suddenly become “condemned” craft with much reduced value and utility. Such operators are not only out of business and out of a job that can not be easily replaced in a struggling job market but will further suffer the loss of substantial and irreplaceable capital.

ALTERNATIVE ACTIONS

Address the problem. Apply the proposed rule to the problem area. Part 91 HELICOPTER operations, preferably in the limited problem areas.

If the rule MUST include all Part 91 operators and it clearly does not, the FAA should give serious consideration to exact a less punishing economic and financial course to owners of airplanes that can not meet Part 135 airplane certification.

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